

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTA KUEHL,

Plaintiff,

v.

ORDER

ANDREW SAUL,
Commissioner of Social Security,

18-cv-69-jdp

Defendant.¹

Dana Duncan, counsel for plaintiff Christa Kuehl, moves under 42 U.S.C. § 406(b) for a fee award of \$9,442.00 after plaintiff was awarded \$37,768.00 in past-due benefits. Counsel's requested fee represents 25% of plaintiff's past-due benefits, so it falls within the amount allowed by statute and the parties' fee agreement. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 792 (2002); Dkt. 28-1. The commissioner does not oppose counsel's fee request, but he pointed out an error in counsel's original fee request. Dkt. 30. Counsel has amended his request accordingly. Dkt. 31.

The total amount of time that counsel's firm spent on this case for proceedings in this court was 50.15 hours, resulting in a proposed effective rate of \$188 an hour. Of the 50.15 hours, 37.3 hours was attorney time and the remainder was for counsel's legal assistants. Dkt 28-3. Counsel's requested fee is well within the bounds of what is reasonable in light of counsel's experience, his risk of non-recovery, the work he performed, the results he obtained, and the amounts awarded in similar cases. Therefore, the court will grant counsel's motion. For

¹ The court has changed the caption in this case to reflect that Andrew M. Saul was confirmed as the Commissioner of the Social Security Administration after Kuel filed this lawsuit.

simplicity, the court will subtract the \$7,800 fee that counsel received under the Equal Access to Justice Act, which would otherwise have to be refunded to plaintiff.

ORDER

IT IS ORDERED that Dana W. Duncan's motion for attorney fees under 42 U.S.C. § 406(b), Dkt. 28, is GRANTED. The court APPROVES a representative fee of \$1,642.

Entered June 3, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge